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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

JERRY A. SPOLAR, an individual; and
TONNY JILL WILLIAMSON, an
individual,

Plaintiffs,

v.

DISCOVERY COMMUNICATIONS,
LLC, a Delaware limited liability company;
UNREALISTIC IDEAS, LLC, a Delaware
limited liability company; PIECE OF
WORK PRODUCTIONS, LLC, a
California limited liability company;
ARCHIE GIPS, an individual; WHITNY
BRAUN, an individual; JAMES BRAUN,
an individual; and DOES 1 through 25,

Defendants

Case No.: CV 23-7633-JFW(MRWx)

**PLAINTIFF'S RESPONSE TO THE
COURT'S ORDER TO SHOW
CAUSE RE: FRCP RULE 4(M)
AND FAILURE TO SERVE**

Date: April 8, 2024

Time: NA

Place: COURTROOM 7A

FIRST STREET

COURTHOUSE

350 W 1st St,

Los Angeles, CA 90012

Hon. John F. Walter

U.S. District Court Judge

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2 Plaintiffs hereby respond to the Court's Order to Show Cause Re: Dismissal
3 for Lack of Prosecution and failure to serve timely under FRCP 4(m). Attached to
4 this response is the Declaration of J. Curtis Edmondson attesting to the facts in support
5 of this response.

6 In summary, Plaintiffs respectfully request that this Order be discharged, and
7 allow for thirty days from issuance of proposed summons which has been filed with
8 this Court in order to serve the Defendants, or a period of time the Court deems
9 appropriate.

10 Under FRCP 4(m), if the plaintiff shows good cause for the failure to timely
11 serve the defendants, the court may extend the time for service for an appropriate
12 period. *Mann v. American Airlines* (2003) 324 F. 3d 1088, 1090. Counsel
13 understands that this is discretionary, and the plaintiff bears the burden of showing
14 good cause.

15 Counsel had an office fire around Thanksgiving, 2023 that caused this problem.
16 (See Edmondson Declaration). This fire, combined with the fact that litigation
17 matters were hand docketed at the office, caused the service of the defendants in this
18 case to be missed. *Id.*

19 Counsel requests that to the extent sanctions be imposed, they be imposed on
20 counsel in the form of monetary or other sanctions. It was not the client's problem as
21 they are not responsible for service of the summons, etc.

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23 Date: April 7, 2024

Respectfully Submitted,

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25 By: /s/ J. Curtis Edmondson
26 J. Curtis Edmondson
27 Attorney for Plaintiffs